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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,484	01/12/2007	Nils Kreiling	KAR0116PCTUS	9644

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QUINN LAW GROUP, PLLC  
39555 ORCHARD HILL PLACE  
SUITE # 520  
NOVI, MI 48375

EXAMINER
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LYJAK, LORI LYNN

ART UNIT	PAPER NUMBER
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3612

MAIL DATE	DELIVERY MODE
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05/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,484	<b>Applicant(s)</b> KREILING, NILS	
	<b>Examiner</b> Lori L. Lyjak	<b>Art Unit</b> 3612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Paragraphs [001] and [0005] of the specification refers to the claims.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by German reference DE 199 59 317 C1.

Regarding claim 1, German reference '317 discloses a convertible vehicle with a roof having a roof covering and several lateral frame parts, which at least partially span the roof covering when the roof is closed and follow each other in the longitudinal direction of the vehicle, in which a rear frame part extends from a window parapet line with an upward extending component, characterized in that the adjacent frame part, preceding the rear frame part in the direction of travel when roof is closed, can be moved without a force transfer through the rear frame part by at least one drive provided for roof opening, and the rear frame part is suspended on a gear mechanism that transfers the drive force and can be moved by the drive force and, wherein the gear mechanism includes a pair of substantially parallel links operatively connected to the frame parts.

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Regarding claim 2, German reference '317 discloses a convertible vehicle according to Claim 1, characterized in that the adjacent frame part is connected to a pivot joint along with the rear frame part.

Regarding claim 3, German reference '317 discloses a convertible vehicle according to Claim 1, characterized in that the rear frame part is connected to body through at least one separate movable connection mechanism.

Regarding claim 4, German reference '317 discloses a convertible vehicle according to Claim 3, characterized in that the connection mechanism includes two levers forming a double joint and connected to each other on a pivot joint.

Regarding claim 5, German reference '317 discloses a convertible vehicle according to Claim 4, characterized in that the rear frame part is firmly connected to a lever of the double joint.

Regarding claim 6, German reference '317 discloses a convertible vehicle according to Claim 1, characterized in that the rear frame part, in its lower end area, has no direct body connection, at least during roof movement.

Regarding claim 7, German reference '317 discloses a convertible vehicle according to Claim 1, characterized in that to transfer force between drive and adjacent frame part, a multiple joint engaging on a vehicle body on one end and on an adjacent frame part on the other end, is used.

Regarding claim 8, German reference '317 discloses a convertible vehicle according to Claim 7, characterized in that the multiple joint is a four pivot joint suspension.

Regarding claim 9, German reference '317 discloses a convertible vehicle according to Claim 8, characterized in that the four pivot joint suspension includes two links mounted on body and extending upward to adjacent frame part and connected so as to pivot there.

Regarding claim 10, German reference '317 discloses a movable vehicle roof for a convertible vehicle according to Claim 1.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Lyjak whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Lori L. Lyjak/  
Primary Examiner  
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III  
May 22, 2008